

**Amendments to the Drawings:**

The attached replacement drawing sheet makes changes to Fig. 1 and replaces the original sheet with Fig. 1.

Attachment: Replacement Sheet

**REMARKS**

Claims 1-5 and 11-15 are pending in this application. By this Amendment, Figure 1 has been amended to add "Related Art" and claims 1 and 11 have been amended to provide proper antecedent basis.

Applicant appreciates the indication of allowability for claims 2-5 and 12-15. However, for the reasons discussed below, Applicant asserts that all of claims 1-5 and 11-15 are allowable.

Figure 1 was objected to due to an informality. By this Amendment, Figure 1 has been amended responsive to the objection by adding "Related Art". It is respectfully requested that the objection be withdrawn.

Claims 1 and 11 were rejected under 35 U.S.C. §102(b) or, in the alternative, under 35 U.S.C. §103(a) over Muramatsu et al. (Muramatsu), U. S. Patent No. 5,939,623. The rejection is respectfully traversed.

Muramatsu fails to disclose a submerged sample observation apparatus with a sample container having a side wall for holding a liquid therein and means arranged on a surface of the liquid for preventing volatilization of the liquid as recited in claim 1 and as similarly recited in claim 11.

Fig. 6 of Muramatsu discloses a microscope with a cover 18 covering a top and a side surface of the probe 1 and a probe system that is made to cover a sample 2 put in a liquid 15. As such, a quartz oscillator 3 is placed in an air layer 21 in the cover 18 and the tip of the probe 1 is immersed in the liquid 15. The cover 18 is also provided with a transparent window 19. Furthermore, the circumference of the sample 2 is sealed by an oil seal 20 in order to prevent the liquid from decreasing due to evaporation thereof (col. 5, line 66-col. 6, line 12 and Fig. 6).

Applicant asserts that Muramatsu's oil seal 20 fails to correspond to Applicant's means arranged on a surface of the liquid for preventing volatilization because Muramatsu's oil seal 20 is not placed on the surface of the liquid 15, as shown in Fig. 6. Muramatsu only teaches that the oil seal 20 seals the circumference of the sample 2 (col. 6, lines 9-12). As shown in Fig. 6, the oil seal 20 is not arranged on the surface of the liquid 15.

In fact, only the cover 18 and the air layer 21 of the cover 18 are arranged on the surface of the liquid 15. However, Applicant asserts that the cover 18 and air layer 21 only form a part of Muramatsu's sample container, as noted by the Examiner's assertion on page 2 of the Office Action, and not a separate means for preventing volatilization. As such, Muramatsu fails to disclose or suggest all of the features recited in Applicant's claims 1 and 11. It is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-5 and 11-15 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Scott M. Schulte  
Registration No. 44,325

JAO:SMS/sxb

Attachment:  
Replacement Sheet

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**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

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